

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

SPENCER NORMAN, et al.,

Plaintiffs,

vs.

CAMDEN COUNTY, et al.,

Defendants.

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Case No. 2:12-CV-04210

October 2, 2013

Camdenton, Missouri

VIDEOTAPED DEPOSITION OF JAMEE RUGEN,

a witness, produced, sworn, and examined on October 2, 2013
between the hours of 8:00 a.m. and 6:00 p.m. of that day,
at the law offices of Phillips, McElyea, Carpenter & Welch,
85 Court Circle, in the City of Camdenton, County of
Camden, State of Missouri, before

SHELLY L. STEWART, CCR (No. 619)

CAPITAL CITY COURT REPORTING

Jefferson City ** The Lake ** Columbia

573-761-4350 * 573-365-5226 * 573-445-4142

within and for the State of Missouri, in the above-entitled
cause, on the part of the Plaintiffs, taken pursuant to
amended notice.

Exhibit

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CAPITAL CITY COURT REPORTING

COLUMBIA 573-445-4142 JEFF CITY 573-761-4350 The LAKE 573-365-5226

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1 THE VIDEOGRAPHER: We are on the record at 10:05.
2 Today's date is October 2nd, 2013. We are at the law
3 offices of Phillip, McElyea, Carpenter and Welch. The
4 address is 85 Circle Court Northwest in Camdenton,
5 Missouri.

6 We are here today for the deposition of Jamee
7 Watson Rugen to be taken in the case of Spencer Norman,
8 et al. versus Camden County, et al. currently pending in
9 the United States District Court, Western District of
10 Missouri, Central Division, Case No: 2:12-CV-04210.

11 At this time would counsel please identify
12 themselves for the record?

13 MR. CARNIE: Kevin Carnie for the Plaintiffs.

14 MR. HENSON: Keith Henson on behalf of all of the
15 Defendants.

16 JAMEE RUGEN, having first been duly sworn, testified as
17 follows:

18 DIRECT EXAMINATION BY MR. CARNIE:

19 Q. Would you please state your name?

20 A. **Jamee Rugen.**

21 Q. And has your name recently changed?

22 A. **Two years ago it did.**

23 Q. So not so recently?

24 A. **Yes.**

25 Q. Were you married at that time?

1 **A. I was. At the time of the incident?**

2 **Q. When your name changed? Is that --**

3 **A. Yes.**

4 **Q. -- why your name changed?**

5 **A. Yes.**

6 **Q. Okay. What was your name back in October of**
7 **2011?**

8 **A. Jamee Watson.**

9 **Q. Okay. Congratulations on the marriage.**

10 **A. Thanks.**

11 **Q. What's your address, ma'am?**

12 **A. My residential address?**

13 **Q. Yes, ma'am.**

14 **A. 78 Hummingbird, Camdenton, Missouri.**

15 **Q. And what is your occupation?**

16 **A. I'm a deputy for the sheriff's department.**

17 **Q. And is that in Camden County?**

18 **A. Yes, it is.**

19 **Q. And I'm going to apologize in advance. I have to**
20 ask you a couple of questions that I wouldn't normally ask
21 somebody, so I hope you'll forgive me and have some
22 understanding, okay?

23 **A. Okay.**

24 **Q. How old are you?**

25 **A. I'm 26.**

1 Q. And I assume you walked toward them, correct?

2 A. I rushed toward them.

3 Q. Okay. So you were moving quickly toward them?

4 A. Yes.

5 Q. And what did you see when you got close to them?

6 A. That they were struggling with the male subject
7 to gain control over him. I could see that beforehand too.
8 And that his right arm had some blood on it and that he was
9 actively resisting the deputies.

10 Q. And what was Deputy Dziadosz doing when you
11 arrived?

12 A. He was trying to gain control over the suspect or
13 the subject's left hand and left arm.

14 Q. Was he touching Mr. Norman?

15 A. Yes.

16 Q. What parts of his body were touching Mr. Norman?

17 A. His hands.

18 Q. Where were his knees?

19 A. On the ground.

20 Q. Can you describe what Deputy Dziadosz was doing?

21 A. He was trying to gain control over his hands or
22 his arm.

23 Q. And physically what does that involve doing?

24 A. Holding onto his arm, trying to get it behind his
25 back.

1 **A. Yes.**

2 Q. And Sergeant Fiene is not touching him other than
3 straddling him?

4 **A. Yes.**

5 Q. Okay. Then what happened next?

6 **A. I rushed to his side and got down on my knees and**
7 **grabbed hold of Mr. Norman's right hand -- or right arm.**

8 Q. Okay. And what did you do with his right arm?

9 **A. I attempted to get it out from under his body.**

10 Q. Describe to me how you did that.

11 **A. I started to grab toward his arm, grabbed his**
12 **upper for-- or his lower forearm and then worked my way**
13 **down to his wrist and attempted to pull it out from under**
14 **his body.**

15 Q. And were you able to do that?

16 **A. Not right away.**

17 Q. At the time you started to make contact with
18 Mr. Norman's arm, what was Sergeant Fiene doing?

19 **A. He was directing Mr. Norman to put his hands**
20 **behind his back.**

21 Q. Did you say anything to Mr. Norman?

22 **A. I don't recall.**

23 Q. Were you able to hear any noises from Mr. Norman?

24 **A. Yes.**

25 Q. What noises was he making?

1 **A. He was yelling and grunting.**

2 Q. Could you make out any of the words he was
3 saying?

4 **A. No.**

5 Q. What was Mr. Norman doing when you arrived?

6 **A. Resisting deputies.**

7 Q. What does that mean?

8 **A. He was fighting against deputies. I'm sorry. He**
9 **was struggling against deputies' hold on him to try to put**
10 **his arms behind his back, wasn't following commands that**
11 **the deputies were giving him and attempting to push himself**
12 **off the ground.**

13 Q. Can you describe Mr. Norman's appearance when you
14 arrived?

15 **A. He was wearing only shorts, which were later**
16 **identified as boxer shorts.**

17 Q. So he had no shirt on?

18 **A. No.**

19 Q. Did he have shoes on?

20 **A. No.**

21 Q. Did he have socks on?

22 **A. No.**

23 Q. Did he have pants on?

24 **A. No.**

25 Q. So he was only wearing boxer shorts?

1 **A. Yes.**

2 Q. And what position was Mr. Norman in?

3 **A. He was on his stomach.**

4 Q. And is that called the prone position?

5 **A. Yes, it is.**

6 Q. Before you arrived to the scene, did you have any
7 communication with Deputy Dziadosz?

8 **A. We had radio communication.**

9 Q. What was that radio communication?

10 **A. Oh, did I actually talk to him prior to arriving**
11 **on the scene?**

12 Q. Yes, ma'am.

13 **A. No, I did not.**

14 Q. Okay. Did you hear him say anything over the
15 radio prior to arriving on scene?

16 **A. I don't recall what was said over the radio.**

17 Q. Did you have any conversation with Sergeant Fiene
18 prior to arriving?

19 **A. No.**

20 Q. Did you hear Sergeant Fiene say anything over the
21 radio prior to arriving?

22 **A. Not that I can remember.**

23 Q. Did anybody tell you that Mr. Norman was an
24 emotionally disturbed person before you arrived?

25 **A. No.**

1 Q. Were you at any point able to make that
2 determination?

3 A. Yes.

4 Q. When?

5 A. When I got up to everybody, the group of them,
6 and he wasn't following commands. Everything -- he was --
7 he just wasn't responding the way a normal person would.

8 Q. When you arrived, did Deputy Dziadosz tell you he
9 was an emotionally disturbed person?

10 A. No.

11 Q. Did Sergeant Fiene tell you he was an emotionally
12 disturbed person?

13 A. No.

14 Q. That's just something you observed when you
15 arrived?

16 A. Yes.

17 Q. At any point during your interaction with
18 Mr. Norman did you say anything to him?

19 A. The only thing that I would have said would be
20 put your hands behind your back and stop resisting.

21 Q. During the entire interaction with Mr. Norman,
22 could you make out any words that Mr. Norman said?

23 A. No.

24 Q. Can you tell me all of the words you remember
25 Sergeant Fiene saying to Mr. Norman?

1 **A. It wasn't -- we didn't -- we had to use more than**
2 **one set of handcuffs in order to do it.**

3 Q. Okay.

4 **A. So --**

5 Q. Right. And I'm interested in what Sergeant Fiene
6 was doing with his hands during this whole time that you
7 guys are trying to handcuff him?

8 **A. I don't know.**

9 Q. Okay. And that's because you were looking at
10 what you were doing?

11 **A. Yes.**

12 Q. And you weren't watching everything Sergeant
13 Fiene was doing?

14 **A. No, I was not.**

15 Q. And you weren't watching everything Deputy
16 Dziadosz was doing?

17 **A. No.**

18 Q. Can you describe to me how you were able to get
19 Mr. -- control of Mr. Norman's arm?

20 **A. I had to use both hands and finally got a hold of**
21 **his wrist and was able to pull it out from under his body.**

22 Q. Okay. During this time period, where are your
23 knees?

24 **A. At that time they were on the ground.**

25 Q. Okay. So are you reaching under Mr. Norman's

1 improper opinion. It's speculation on her part.

2 THE WITNESS: Yes.

3 BY MR. CARNIE:

4 Q. And what is that based on?

5 A. Based on the location that it was at, I don't
6 think it would be detrimental, and it helps with making
7 sure that the subject wouldn't further cause harm to
8 himself or us, and just to make sure that we have control
9 over them.

10 Q. And is that based on your training?

11 A. Yes.

12 MR. CARNIE: I don't have any further questions
13 for you.

14 MR. HENSON: We don't have any questions and we
15 will read and sign, so send it to me and we'll get it back
16 to you.

17 THE VIDEOGRAPHER: We are off the record at
18 12:24. This concludes this deposition of Deputy Jamee
19 Rugen.

20 (SIGNATURE REQUESTED.)
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22
23
24
25

(THIS IS THE SIGNATURE PAGE TO THE VIDEOTAPED DEPOSITION OF
JAMEE RUGEN TAKEN ON OCTOBER 2, 2013.)

ORIGINAL

JAMEE RUGEN

Subscribed and sworn before me on this 5 day
of December 2013.
My Commission expires 03/10/2017.

JENNIFER M. WILSON
Notary Public - Notary Seal
STATE OF MISSOURI
Camden County
Commission # 13408208
My Commission Expires: 3/10/2017

Jennifer M. Wilson

NOTARY PUBLIC - STATE OF MISSOURI
Commissioned in Camden County